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November 14, 2014

VIA ELECTRONIC FILING

Ms. Jocelyn Boyd, Chief Clerk/Administrator
Public Service Commission of South Carolina
Synergy Business Park, Saluda Building
101 Executive Center Drive
Columbia, SC 29210

Re: Kawonna Roman v. Duke Energy Carolinas, LLC
Docket No. 2014-429-E

Dear Ms. Boyd:

Enclosed for filing in the above-captioned matter is the Motion of Duke Energy Carolinas, LLC to Dismiss the Complaint of Kawonna Roman and Request to Hold Filing Deadlines and Hearing Date in Abeyance Pending Resolution of Motion. We respectfully request that the Commission hold the prefiling deadlines and the hearing in abeyance while the motion is pending. By copy of this letter we are serving the Office of Regulatory Staff and other parties of record in this proceeding with the same. If you have any questions, please contact me.

Very truly yours,

ROBINSON, MCFADDEN & MOORE, P.C.

Bonnie D. Shealy

/tch
Enclosure

cc/enc: Joseph Melchers, Hearing Examiner (via email)
Ms. Kawonna Roman (via US Mail)
Andrew M. Bateman, ORS Staff Attorney (via email & US Mail)
Shannon Bowyer Hudson, ORS Staff Attorney (via email & US Mail)
Brian L. Franklin, Associate General Counsel (via email)
Barbara G. Yarbrough, Rates Director (via email)

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

Docket No. 2014-429-E

In re:)	
)	
Kawonna Roman,)	MOTION OF DUKE ENERGY
Complainant,)	CAROLINAS, LLC TO DISMISS
)	THE COMPLAINT OF KAWONNA
v.)	ROMAN AND REQUEST TO HOLD
)	FILING DEADLINES AND HEARING
Duke Energy Carolinas, LLC,)	DATE IN ABEYANCE PENDING
Respondent.)	RESOLUTION OF MOTION
_____)	

Pursuant to S.C. Code Ann. Regs. 103-829, Rule 12(b)(6) of the South Carolina Rules of Civil Procedure (“SCRCP”) and applicable South Carolina law, Respondent, Duke Energy Carolinas, LLC (“Duke Energy Carolinas” or “Company”) hereby moves the Public Service Commission of South Carolina (“Commission”) to dismiss the above-captioned matter on the merits because it fails to state a claim upon which relief can be granted. The Complaint fails to allege any violation of an applicable statute or regulation with respect to Duke Energy Carolinas’ handling of the account of Kawonna Roman.

BACKGROUND

Ms. Roman has been the customer of record of Duke Energy Carolinas at 210 Wheatfield Drive, Greenwood, South Carolina since September 2013. The Company’s records, however, suggest that Ms. Roman occupied this residence prior to 2013 while the service was in the name Joe Roman.

Ms. Roman’s complaint seems to indicate a concern about the amount of her bill. She states “something is wrong with the rate of my light bill each month....” The Company notes that Ms. Roman is being charged the approved rate for a residential, all-electric customer. The Company’s records indicate Ms. Roman’s contacts with the Company directly and through the

South Carolina Office of Regulatory Staff (“ORS”) have centered around her difficulty paying the monthly bill.

The Company understands that in some cases, it is difficult for customers to pay the full amount of their bill each month. S.C. Code Ann. Regs. 103-352 requires utilities to offer a payment plan of up to six months that will allow customers to bring their account current. The Company’s records show that it has made five deferred payment plans with Ms. Roman in the last 11 months.

Ms. Roman alleges she had changed light bulbs in her home, and seems to have expected a noticeable reduction in her bill. Although it is true that converting from incandescent bulbs to compact fluorescent bulbs does save energy, lighting is a relatively small portion of the energy used in a residence. Ms. Roman’s residence appears to be all-electric; consequently, lighting changes might have an even smaller percentage impact on her bill. The primary drivers of energy usage in an all-electric home are electric heating, air conditioning systems, and electric water heating. Together these items account for the majority of the energy usage.

A review of Ms. Roman’s monthly kilowatt hour use, as shown below, is not out of line with what would be expected in an all-electric residence. The history shows the usage is higher during the colder months and the warmer months, reflecting the impact of space conditioning, which is weather responsive.

Bill Month	kWh
Oct-13	1530
Nov-13	1361
Dec-13	2108
Jan-14	2787
Feb-14	3098
Mar-14	2591
Apr-14	1930

May-14	1755
Jun-14	2010
Jul-14	2389
Aug-14	2077
Sep-14	2553
Oct-14	1627
Nov-14	1533

To help ensure Duke Energy Carolinas is accurately billing Ms. Roman for the kilowatt hours used, the Company tested the meter serving Ms. Roman's residence on October 8, 2014. The meter was found to be registered at 99.95% on full load and at 99.99% on light load, indicating the meter is registering well within the guidelines established by the Commission. The Company notes that when the technician tested the meter, he noticed the window air conditioning unit was making an abnormal sound. The technician mentioned this to Ms. Roman . Ms. Roman also indicated she would have the water heater checked.

ARGUMENT

Duke Energy Carolinas respectfully requests that the Complaint be dismissed pursuant to SCRCF Rule 12(b)(6) for failure to state facts sufficient to constitute a claim. *In Re: Mamie Jackson v. SCANA d/b/a South Carolina Electric & Gas Company*, Order No. 2008-726, Docket No. 2008-246-E (September 12, 2008)(stating "since no claim has been asserted within the Commission's jurisdiction, the Commission must dismiss the Complaint"). As with all administrative agencies, the Commission's jurisdiction is established by statute. The Commission is a government agency of limited power and jurisdiction, which is conferred either expressly or impliedly by the General Assembly. *Kiawah Property Owners Group v. Public Service Com'n*, 359 S.C. 105, 597 S.E.2d 145 (2004). The Commission's jurisdiction is limited to the adjudication of any claim regarding any act or omission by an electrical utility allegedly in

violation “of any law which the commission has jurisdiction to administer or of any order or rule of the commission.” S.C. Code Ann. § 58-27-1940 (Cum. Supp. 2013).

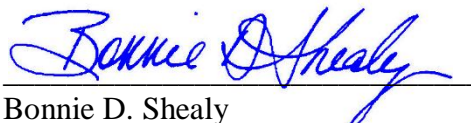
The complaint fails to allege any violation of an applicable statute or regulation with respect to Duke Energy Carolinas’ bill issued to Ms. Roman. In fact, no relief is requested. Ms. Roman’s billing records show the Company is charging the appropriate tariff rate approved by the Commission. Moreover, the Company tested the meter at Ms. Roman’s residence and determined it is accurately registering the kilowatt hours used in her home, and is within the accuracy parameters set forth in the Commission’s regulations, S.C. Code Regs. 103-323. As a result, this case should be dismissed for failure to state a claim for which relief can be granted.

CONCLUSION

For the reasons stated herein, Duke Energy Carolinas moves the Commission to dismiss the Complaint with prejudice, hold the testimony and hearing schedule in abeyance pending resolution of this motion, and requests such other relief as the Commission deems just and proper.

Dated this 14th day of November 2014.

Robinson, McFadden & Moore, P.C.



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Columbia, South Carolina 29202
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Email: bshealy@robinsonlaw.com

Attorney for Duke Energy Carolinas, LLC

VERIFICATION

I, Barbara Yarbrough, am Regulatory Affairs or Duke Energy Carolinas, LLC. I am responsible for responding to customer inquiries including those directed to the South Carolina Office of Regulatory Staff ("ORS"). I have reviewed the documents received and maintained in the ordinary course of business by Duke Energy Carolinas. I am familiar with the records of Duke Energy Carolinas that pertain to Kawonna Roman's electric service account.

I have personally knowledgeable as to the records and information discussed in the attached motion to dismiss, I know them to be true of my own knowledge or I have gained knowledge of them from the records of Duke Energy Carolinas, which are maintained in the ordinary course of business by Duke Energy Carolinas.

I, Barbara Yarbrough, first being duly sworn upon oath, depose and say that I am authorized to represent Duke Energy Carolinas, that I have read the above motion to dismiss and know the contents; that the contents are true and correct to the best of my knowledge and belief.

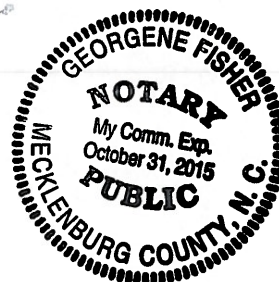
Duke Energy Carolinas, LLC

Barbara B. Yarbrough
Barbara Yarbrough, Regulatory Affairs Manager

Subscribed and sworn to before me this

13 day of _____ November 2014

Georgene Fisher
Notary Public for North Carolina
My Commission Expires: 10/31/15



**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

Docket No. 2014-429-E

In re:)	
)	
Kawonna Roman,)	
Complainant,)	
)	CERTIFICATE OF SERVICE
v.)	
)	
Duke Energy Carolinas, LLC,)	
Respondent.)	
_____)	

This is to certify that I, Toni C. Hawkins, a Paralegal with the law firm of Robinson, McFadden & Moore, P.C., have this day caused to be served upon the person(s) named below the **Motion of Duke Energy Carolinas, LLC to Dismiss the Complaint of Kawonna Roman and Request to Hold Filing Deadlines and Hearing Date in Abeyance Pending Resolution of Motion** in the foregoing matter by placing a copy of same in the United States Mail, postage prepaid, in an envelope addressed as follows:

Ms. Kawonna Roman
210 Wheatfield Drive
Greenwood, SC 29649

Andrew M. Bateman, Esquire
Shannon Bowyer Hudson, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

Dated at Columbia, South Carolina this 14th day of November, 2014.



Toni C. Hawkins